

TOWN COUNCIL MEETING - WEDNESDAY EVENING - OCTOBER 9, 2013

PRESENT: Parella, Herreshoff, Calouro, Stuart, and Sweeney

ALSO PRESENT: Antonio A. Teixeira, Town Administrator
Michael A. Ursillo, Esq., Town Solicitor
A. Archie Martins, Town Sergeant

The Council met in regular session on Wednesday evening, October 9, 2013 in the Town Hall, Council Chambers, beginning at 7:02 o'clock PM, Council Chairman Parella presiding:

SPECIAL RECOGNITION

Neil Feeley, Jr. - J.G. Coffey Company
Melissa Mancini - Cumberland Farms
Craig Veader - Bristol Toyota

Prior to the commencement of this evening's regular agenda, Council Chairman Parella recognized Recreation Director Burke who provided information concerning the above three commendation recipients. Council Chairman Parella presented the commendations to the individuals with the collective thanks of the Council.

PRESENTATION

Wenley Ferguson of Save the Bay

Also prior to the commencement of this evening's regular agenda, Council Chairman Parella recognized the attendance of Wenley Ferguson of Save the Bay. Council Chairman Parella noted that there was a recent activity at the Town Beach including members of the General Assembly where participants viewed the various pollution mitigation initiatives at the Beach. She also explained that she spoke with Ms. Ferguson at a recent Save Bristol Harbor event and that Ms. Ferguson reported to her that Save the Bay recognizes that Bristol Town management "gets it" and works as a team to resolve environmental problems.

Council Chairman Parella added that a similar message was received from U.S. Senator Jack Reed during a recent event attended by the Senator.

Council Chairman Parella offered the congratulations of the Council to the various department managers and staff, stating that these persons are credited with the Town's good reputation at getting things done and also finding ways to broaden the value of the Town's available project funding.

Council Chairman Parella introduced Ms. Ferguson who explained that she worked closely with Director of Community

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Development Williamson on shoreline restoration projects and that the Town provides a dedicated group of individuals which she dubbed the "A" Team. She added that in her experience it is rare to find a group which comes together similarly and that this seems to be attributable to the fact that Bristol management is empowered to act in the best interest of the Town.

Ms. Ferguson also noted successful Town participation in restorative projects for upper and lower Silver Creek, golf course wetlands, and other related projects. She also urged the establishment of a storm-water mitigation funding mechanism.

Council Chairman Parella thanked Ms. Ferguson for her comments and added that the public at-large has reacted positively to the Town's successes with projects by approving bond issues.

MOTION RE: CONSENT AGENDA - TO APPROVE THE CONSENT AGENDA

Herreshoff/Sweeney - Voted
unanimously to approve the Consent
Agenda.

A. SUBMISSION OF MINUTES OF PREVIOUS MEETING(S)

1. Town Council Meeting - September 18, 2013

Herreshoff/Calouro - Voted
unanimously to approve these
minutes as prepared and presented.

2. Town Council Meeting - August 7, 2013 (final
version)

Herreshoff/Calouro - Voted
unanimously to approve these
minutes as prepared and presented.

B. PUBLIC HEARINGS

1. Ordinance #2013-15, CHAPTER 28, Zoning,
Article V, Supplementary Regulations, Section
28-150, Special use permit standards for
various uses, and Article III, Permitted
Uses, Section 28-82, Use regulations (keeping
of chicken hens), **2nd reading and public
hearing**

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- a. Director of Community Development
Williamson re Planning Board
recommendation

Herreshoff/Stuart - Voted
unanimously to close the public
hearing.

Stuart/Calouro - Voted unanimously
to adopt this ordinance per the
recommendation received;
incorporating the findings of fact
as delineated by the Planning
Board. Advertise in local
newspaper.

Prior to the vote taken, Council Chairman Parella opened the
public hearing.

There was no testimony presented in favor of the proposed
ordinance and no remonstrance provided in opposition.

2. Antonio Loras, 30 First Street - request for
License to Maintain Property at 21
Butterworth Avenue (informational only:
public hearing cancelled at request of
petitioner)
 - a. Council Clerk Cirillo re withdrawal of
petition by Antonio Loras
 - b. Director of Community Development
Williamson re petition for license to
maintain

Herreshoff/Calouro - Voted
unanimously to receive and place
this matter on file.

Prior to the vote taken, John G. Rego, an attorney
representing Mr. Loras explained that Mr. Loras withdrew his
petition since it was determined that the property in
question is not the property of the Town but rather Mr.
Loras' property.

Mr. Rego reported, for the record, that this determination
was provided by Mr. Stephen Murgo, a land surveyor, who
determined that Mr. Loras owns to the Warren town line and
not to the so-called unimproved street which was the
previous contention.

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Mr. Rego provided certain exhibits which are included in the supplemental records of this meeting.

Mr. Rego reported that Mr. Loras plans to repair the stone wall and that a corrective deed will be recorded in the Land Evidence of the Town. Mr. Rego reported that he spoke with abutting landowner Nancy Davis and that Ms. Davis is "happy" with his report.

C. ORDINANCES

1. Ordinance #2013-15, CHAPTER 28, Zoning, Article V, Supplementary Regulations, Section 28-150, Special use permit standards for various uses, and Article III, Permitted Uses, Section 28-82, Use regulations (keeping of chicken hens), **2nd reading and public hearing** (see agenda item B1 above)

Action concerning this agenda item appears at agenda item B1 as found above.

2. Ordinance #2013-16, Chapter 22, Sewers and Sewage Disposal, Article X, Sewer Service Charges, Section 22-401, Infiltration and inflow charge for new developments, **1st reading**

Calouro/Sweeney - Voted unanimously to consider this action to constitute the first reading of Ordinance #2013-16. Advertise in local newspaper.

Prior to the vote taken, Councilman Herreshoff asked for an explanation of the need for the amendment with Water Pollution Control Superintendent DaSilva responding that the ordinance amendment closes a "loophole" which previously allowed a property owner to significantly enlarge a small cottage, and avoid the infiltration and inflow charge.

Councilman Calouro asked to know if this would impact any other "re-dos" with Town Solicitor Ursillo responding that the number of additional bathrooms would trigger the ordinance.

Councilman Stuart asked to know if this would also impact conversions such as the so-called Robin Rug complex with

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Water Pollution Control Superintendent DaSilva responding affirmatively.

D. LICENSING BOARD - NEW PETITIONS

1. Rami Jenblat, My Shisha Café, 261 Wood Street - request to change hours of operation of existing Victualling License, **continued from October 9, 2013**

Calouro/Sweeney - Voted unanimously to adjust the hours of operation as follows: Monday, closed; Tuesday, close at 11:00 o'clock PM; Wednesday, close at 12:00 o'clock midnight; Thursday, Friday and Saturday, close at 1:00 o'clock AM; and Sunday, close at 11:00 o'clock PM, per the recommendations received and with the further proviso that these new hours shall be reviewed in six months (April 9, 2014).

Prior to the vote taken, a discussion ensued regarding this petition with Mr. Jenblat asking for as many additional hours as possible.

E. LICENSING BOARD - RENEWALS

F. PETITIONS - OTHER

1. Lawrence D. Lavers, 62 Burton Street - petition re license for storage of inoperable vehicle (Town Code Sec. 16-232 attached)
 - a. Recommendation - Town Administrator and Chief of Police (approve)

Herreshoff/Calouro - Voted unanimously to continue this matter until the meeting of October 30, 2013 and to refer said matter to Director of Community Development Williamson for a recommendation.

Prior to the vote taken, a discussion ensued regarding the reason for the citation with Police Chief Canario responding that it was likely that a neighbor reported the presence of

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the unregistered automobile or that it was noticed by a police officer.

Councilman Stuart asked to know if the property was a one or two family residence with Councilman Herreshoff responding that he believes it to be a one-family residence.

Director of Community Development Williamson explained her concern that her office hears complaints about unregistered "junk" vehicles all of the time and that she feared that the granting of this license would be a "slippery slope." She recommended that she have the opportunity to examine the situation further and recommend alternatives.

Council Chairman Parella stated that she believed that the request should be accommodated somehow without creating further problems.

Councilman Stuart agreed with Council Chairman Parella.

Councilman Herreshoff asked to know how this might be handled in other communities with Town Solicitor Ursillo responding that it is his experience that other communities handle these similarly to that of Bristol.

Councilman Herreshoff asked to know if the repair work must be done inside with Town Solicitor Ursillo responding affirmatively.

2. Robert E. Black, General Manager, George Patton Associates, Inc., 55 Broad Common Road - request for curb cut (commercial parking lot)

- a. Recommendation - Town Administrator and Director of Public Works (approve)

Calouro/Herreshoff - Voted unanimously to grant this petition per the recommendations received with all expense being borne by the petitioner and subject to conformance to all applicable laws and ordinances and payment of all fees, taxes, and levies.

3. Linda C. Arruda, on behalf of Bristol Merchants Association re schedule of events - Sidewalk Sales, October 11-13; Halloween Walkabout, October 27; Holiday Preview,

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November 22 & 23; and Snowflake Raffle
Drawing, December 22, 2013

- a. Recommendation - Town Administrator and
Chief of Police (approve with
conditions)

Herreshoff/Sweeney - Voted
unanimously to approve this
petition per the recommendations
received allowing for the closure
of State Street on December 22,
2013 from 3:00 o'clock until 7:00
o'clock PM.

Prior to the vote taken, a discussion ensued with the Clerk
noting that there may be a need to withhold approval of the
November and December events pending further discussions
with the Merchants Association and the Police Department.

Council Chairman Parella stated that she believed that the
requests are similar to those approved in the past and that
she had no difficulty granting approval at this time for all
of the events.

The Clerk suggested that he might aid the association with
future requests with Ms. Arruda agreeing to work with the
Clerk to determine a more efficient process.

4. Paul Tocci, 17 Oliver Street - request for
curb cut
 - a. Recommendation - Town Administrator and
Director of Public Works (approve with
conditions)

LATE ITEM

- b. Recommendation - Tree Warden (approve
tree removal for curb cut)

Herreshoff/Sweeney - Voted
unanimously to grant this petition
for a curb cut, tree removal, and
modification of the no parking
space per the recommendations
received and subject to the final
approval of Public Works Director
Galuska with the expense of same to
be borne by the petitioner.

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Prior to the vote taken, Dorothy Kerwin, broker-agent for the petitioner explained the details of the petition. A discussion ensued with Councilman Herreshoff suggesting that the Council might approve the petition contingent upon the final approval being granted by Public Works Director Galuska.

Councilman Stuart asked to know if the petitioner was aware of the runoff restriction with Town Solicitor Ursillo responding that the Town ordinance requires the property owner to be responsible for runoff.

5. Robert D. Morris, 93 Kickemuit Avenue -
petition re legitimacy of waterfront
citations

Herreshoff/Sweeney - Voted to continue this matter until the regular meeting of November 20, 2013. Voting in favor of this motion were Council Chairman Parella, Councilman Herreshoff, Councilman Calouro and Councilman Sweeney. Councilman Stuart was recused from the discussion and vote.

Prior to the vote taken, Councilman Stuart recused himself and left the Council table.

Mr. Morris informed the Council that he did not believe the Town has jurisdiction in this matter since the property in question belongs to the State and that the State seems to have no problem with his dockage.

Mr. Morris alleged that the subject pier was built in 2003 without a license and that he was not here to make enemies.

Councilman Herreshoff asked to know if Mr. Morris was the owner of the boat docked in the area and was moved and now is back again with Mr. Morris responding affirmatively.

Councilman Herreshoff suggested a continuance so that the facts could be reviewed.

Mr. Morris expressed concern that he has \$1000 of tickets pending in Municipal Court.

It was explained that the Town would grant a continuance for the tickets pending the outcome of this agenda matter.

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Town Solicitor Ursillo stated that he needed to have the "full packet" of Mr. Morris' paperwork on this matter since the amount provided was only a portion of this packet.

Mr. Morris agreed to bring the materials to the Town Administrator's office.

Town Solicitor Ursillo stated that he needed longer than a three week interval to review this matter.

G. APPOINTMENTS

H. OLD BUSINESS

1. Council Clerk Cirillo to Planning Board et al re Potential Sign Donation
 - a. Harbormaster Marsili re recommendation
 - b. Domenic Franco, Chairman, Harbor Commission re Commission recommendation
 - c. Susan Church, Staff Assistant, Historic District Commission re Commission recommendation
 - d. Councilman Herreshoff re Prudence Ferry sign
 - e. Jerome Squatrito, Chairman, Planning Board re Board recommendation
 - f. Director of Community Development Williamson re recommendation

LATE ITEM

- g. Director of Public Works Galuska re recommendation

Herreshoff/Calouro - Voted unanimously to instruct the Clerk to send a letter to Dr. and Mrs. Conley, thanking them for their thoughtfulness and generosity and respectfully declining their offer.

Prior to the vote taken, Councilman Herreshoff noted that although he appreciated greatly the largesse of Dr. and Mrs. Conley, he appreciated also the opinions expressed in the recommendations provided. He suggested that the Town should

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send a grateful letter to the Conleys and respectfully decline the offer of the sign.

Council Chairman Parella agreed with Councilman Herreshoff and thanked the Conleys for their thoughtfulness.

2. Town Treasurer Goucher re Recommended Account Re-appropriations (carry forwards), **continued from September 18, 2013**

Sweeney/Calouro - Voted to re-appropriate \$21,000 from the 2012-2013 budget to the current fiscal year budget for website improvements under the direction of the Town Administrator and Town Treasurer. Voting in favor of this motion were Council Chairman Parella, Councilman Calouro, Councilman Stuart and Councilman Sweeney. Councilman Herreshoff voted opposed.

Prior to the vote taken, Town Treasurer Goucher suggested that the carry-over funds might be better appropriated to improve the Town website. She added that the Town has "grown out of" its current website.

Councilman Sweeney stated that he believes that the website can use an upgrade.

Councilman Herreshoff stated that he believes that it would be better to keep the \$21,000 to support economic development.

A discussion ensued regarding the website with Town Treasurer Goucher reporting that the Town will seek proposals for the upgrade and explained the plan for same. She noted that the current website requires that only someone with specific technical experience can post messages, etc., and that the new version may be updated by Town employees.

3. Kenneth and Amanda Alves, 18 Hamlet Court - letter of complaint re wind turbine at Safeway Auto, **continued from September 18, 2013**

- a. Councilman Herreshoff re Safeway Windmill on Gooding Avenue

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- b. (Zoning Enforcement Officer Tanner) -
Zoning Board of Review record re Safeway
Auto Sales/Playa Linda Associates, LLC
File 2010-16

Sweeney/Herreshoff - Voted to refer
this matter to the Town
Administrator, Councilman
Herreshoff and Councilman Calouro.
Voting in favor of this motion were
Council Chairman Parella,
Councilman Herreshoff, Councilman
Calouro, and Councilman Sweeney.
Councilman Stuart abstained from
the vote.

Prior to the vote taken, Mr. Alves addressed the Council and explained that the owner of the wind turbine was quoted in the press stating that he did not hear noise emitting from the device and there was a report that he admitted that he heard noise in a different article.

Mr. Alves also questioned why the turbine was not operating during recent strong winds.

He added that the Police Department recently measured the sound emitting from the turbine at 50 decibels for a "split second."

Mr. Alves reported that Gooding Avenue neighbors have logged complaints to the Police Department and also alleged that Mr. Coelho adjusts the operation of the turbine when he knows that police complaints have been filed.

Councilman Herreshoff stated that he visited the area and heard the noise of the turbine and that this noise was heard over the sound of boat building nearby.

Councilman Calouro asked to know the process for violation of the noise ordinance with Police Chief Canario responding that those found in violation of the noise ordinance are issued a citation.

Council Chairman Parella reported that she was present on a street parallel to the turbine and heard the noise. She added that it was a very windy day when this incident occurred.

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Councilman Sweeney speculated that a certain speed of the turbine may be producing the more-audible sounds.

Mr. Alves stated that he was unsure if this might be the case.

Council Chairman Parella suggested that the turbine might be shut-down when there is too much wind. She added that this is a complicated matter and that there appears to be no violation. She quoted former Town Council Chairman Anthony P. Iasiello who would often state that certain problems "require the wisdom of Solomon." She added that the matter might be better addressed through the Mediation Clinic at Roger Williams University since it was a "neighborhood issue" and not a violation of the Town Code.

Councilman Herreshoff suggested that the turbine blades may not be designed properly and suggested that the turbine owner might purchase better blades. He added that the matter is serious as reported by Mr. Alves but that the legal status of same is questionable.

Councilman Herreshoff suggested that Mr. Coelho might be asked to attend a meeting where the matter of the better turbine blades might be discussed.

Council Chairman Parella agreed that the matter was serious but suggested that it would not be resolved in Council Chambers. She added her recommendation that the matter might be referred to Councilman Herreshoff, Councilman Calouro and Town Administrator Teixeira to act on the Town's behalf.

Mr. Alves questioned Councilman Calouro's participation; alleging that Councilman Calouro was a personal friend of Mr. Coelho.

Council Chairman Parella suggested that the Administration should set up a meeting with "whomever." She added that the goal was to resolve the problem as expeditiously as possible in everyone's best interest and that Councilman Calouro did not necessarily have to participate. She added that she believes there to be reluctance on everyone's part to compromise. She repeated that it is not possible to solve the matter at a Town Council meeting.

Mr. Alves stated that he is being cooperative. He added that Mr. Coelho was granted approval for one type of turbine and substituted another type.

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Councilman Stuart stated that it would be a problem if the conditions of the Zoning Board of Review approval have not been met.

Nicholas Ratti of 28 Hydraulion Avenue stated that he supports Mr. Alves "to the death" and that the Council must solve this problem. He added that he is of the opinion that the Council believes that he (Mr. Ratti) does not have standing in this issue.

Councilman Herreshoff stated that Mr. Ratti has standing.

Mr. Ratti stated that he was not allowed "standing" by the Zoning Board of Review when the matter of the wind turbine was heard.

Mr. Ratti added that the Zoning Board of Review meeting was not well-run and that the matter was not simply a zoning issue and that the testimony of non-abutters was disregarded.

Councilman Stuart stated that Mr. Ratti's testimony appears in the record of the Zoning Board proceedings.

Mr. Ratti alleged that the Zoning Board of Review decided to disregard his testimony. He added that Councilman Stuart, while a member of the Zoning Board, expressed concern "where this (wind turbine) matter was headed" and that Zoning Board member Stuart "was close to blowing the lid off this mess."

Mr. Ratti reviewed the criteria for a zoning variance.

Town Solicitor Ursillo noted that the decision of the Zoning Board of Review was never appealed. He added that if the property owner is willing to talk about ameliorating the situation that is what should be considered and that it was improper for the Council to rehash the action of the Zoning Board.

Council Chairman Parella stated that she is well aware that Mr. Ratti supports the windmill opponents.

Mr. Ratti stated that he wished to make a point that there was a mistake made in this case and that the Zoning Board left the solution to the Town Council. He added that he believes that the Town should insist that the wind turbine should deliver what was promised during the Zoning Board hearings.

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Council Chairman Parella stated that the Town would have to have evidence that the wrong wind turbine was ultimately installed.

Mr. Ratti stated that the petition to the Zoning Board indicated that the device would be inaudible and that the promise of inaudibility was not delivered.

Councilman Sweeney stated that Mr. Ratti should attend the mediation session and that all of the parties should be present.

Mr. Ratti informed the Council that he volunteers to be involved in the process. He restated that the Zoning Board was promised that the device would be inaudible and that the turbine is not inaudible.

Mr. Ratti suggested that the turbine should be disassembled and that those parts which are noisy should be replaced with inaudible ones.

Council Chairman Parella stated that she appreciates Mr. Ratti's willingness to assist in this matter and suggested that Mr. Ratti should have a conversation with Councilman Herreshoff who will represent the Council's interest in the subsequent meetings of the parties.

After the vote taken, Mr. Alves suggested that the wind turbine should be shut-down while the matter remains in discussion.

Council Chairman Parella stated that it was not possible for the Town to demand this.

Mr. Alves asked to know if the Town Solicitor was the "people's lawyer" with Town Solicitor Ursillo responding that the turbine was approved by the Zoning Board of Review and that the decision of the Board was never appealed. He added that the Council is "bending over backwards" to help in this situation.

Councilman Stuart stated that since he was a member of the Zoning Board of Review at the time of the approval, he was recusing himself from the remainder of this discussion.

Mr. Ratti informed the Council that he is an expert in sound engineering and that he knows about noise and that the noise ordinance is lacking. He added that the noise emitting from a wind turbine is different from that which is emitted from a motorcycle and should be assessed differently.

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4. Flo Hazen, 131 Wood Street - request for removal of accessible parking space, **2nd reading**
 - a. Recommendation - Town Administrator and Chief of Police (approve)

Calouro/Herreshoff - Voted unanimously to consider this action to constitute the second reading for adoption of a request for removal of an accessible parking space. Inform Public Works Director.

5. Councilman Sweeney re Update on Recycling Committee

Herreshoff/Calouro - Voted unanimously to receive and place this matter on file.

Prior to the vote taken, Councilman Sweeney reported that the Recycling Committee will have a tour of the Recycling Center on October 26, 2013 leaving at 8:00 AM. He added that Keith Maloney met with school officials and that the schools are 100% in favor of recycling. He also added that the Committee is planning a recycling event on the Town Common for November 2, 2013. He also reported that there is a recycling logo and that the State recycling rebate check was down by \$20,000 this year due to market conditions.

Council Chairman Parella asked to know if the recycling percentage was different with Public Works Director Galuska responding that the percentage of recycling was essentially the same this year versus last.

6. Merritt Meyer, President, Mosaico Business & Community Development Corporation re Bristol Industrial Park Real Estate Taxes

- a. Merritt Meyer re withdrawal of request

Herreshoff/Calouro - Voted unanimously to receive and place this matter on file.

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7. Town Administrator Teixeira re Bristol Harbor Master's Disc Drive Data Recovery Summary,
continued for report August 28, 2013

Stuart/Herreshoff - Voted to receive and place this matter on file. Voting in favor of this motion were Council Chairman Parella, Councilman Herreshoff, Councilman Stuart and Councilman Sweeney. Councilman Calouro was recused from the discussion and vote.

Prior to the vote taken, Councilman Calouro renewed his recusal concerning this matter and left the Council table.

Councilman Herreshoff asked to know the Town's intentions regarding this matter with Town Administrator Teixeira responding that the Town is "comfortable" about what was learned and that it was sent to the Council on a "for your information" basis.

Councilman Herreshoff asked to know what information was recovered with Town Administrator Teixeira stating that some information was recovered and that work will continue on the matter.

I. OTHER NEW BUSINESS REQUIRING TOWN COUNCIL ACTION

1. Jeffrey M. Willis, Deputy Director, Coastal Resources Management Council re Notice of Public Hearing, October 22, 2013 - proposed changes to CRMP Section 300.14, Maintenance of Structures (deadline for comments October 17, 2013)

Calouro/Sweeney - Voted unanimously to receive and place this matter on file.

2. (Sandra Matrone Mack, Bond Counsel) re Borrowing Resolutions

Herreshoff/Sweeney - Voted unanimously to adopt these resolutions as prepared and presented.

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Prior to the vote taken, Councilman Herreshoff stated that he read the proposal and finds the plan to be sensible.

Councilman Calouro stated that the proposal contains \$800,000 for the armory rehabilitation (maritime center) and believes that the amount may be reprioritized.

A discussion ensued regarding the borrowing resolutions.

Councilman Stuart stated that Director of Community Development Williamson worked on these issues and that he wishes to be cautious about spending. He added that he would like to know costs and the Town's commitment based upon this action.

Councilman Stuart asked to know the status of the docks and marina and that these will be revenue generators and should be a priority.

Council Chairman Parella stated that the receipt of the grant for the maritime center "propelled" the priority of the project.

Councilman Stuart agreed that the grant is the impetus for the project but expressed concern that the Roger Williams University study indicates a total cost of \$3.2 million.

Councilman Sweeney stated that the maritime center will generate opportunities for small businesses.

Council Chairman Parella stated that there may be additional grants available to support the maritime center costs and that the Town should continue to pursue these.

Town Treasurer Goucher reported that the Town public building committee had the armory repairs on its approved list and that the available grant money provides a good way to leverage the available Town bonded borrowing.

3. Councilman Herreshoff re Four Traffic Safety Suggestions

Calouro/Stuart - Voted unanimously to receive and place this matter on file and refer this matter to the Chief of Police.

Prior to the vote taken, Councilman Herreshoff reviewed the contents of his memorandum and asked the advice of Police Chief Canario.

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Police Chief Canario stated that he agrees with Councilman Herreshoff that better signage was needed at Ferry Road where the two lanes merge. He stated that he plans to refer the request to the State Department of Transportation which controls the road and its signs.

Councilman Herreshoff suggested that the Town might take action to include better signage at the intersection of Poppasquash Road and the East Bay Bicycle Path. He further suggested that a stop sign might be needed.

Councilman Herreshoff reported that he was informed that traffic was traveling along the newly repaved portion at 55 MPH. Police Chief Canario stated that anyone observing automobiles at higher than allowable speeds should report the make and color of the automobile in question to the Police Department.

4. Councilman Stuart re Beach Road/Rogers Avenue intersection

Stuart/Calouro - Voted unanimously to refer this matter to the Town Solicitor so that he might draft the proper ordinance.

Prior to the vote taken, Councilman Stuart clarified that the ordinance should be for a three-way stop at the intersection of Beach Road and Roger Avenue.

5. Councilman Sweeney re Speeding on Hope Street

Calouro/Herreshoff - Voted unanimously to refer this matter to Police Chief Canario.

Prior to the vote taken, a discussion ensued regarding Hope Street speed limits with Councilman Sweeney noting that he received an inquiry from former Councilman Richard Ruggiero suggesting either a speed-trap or a speed bump near Colt and Andrews Schools.

Police Chief Canario suggested that former Councilman Ruggiero should be referred to the Police Department with these concerns.

6. Terrence Mercer, Associate Administrator, Division of Public Utilities and Carriers re application of A&R marine Corp., d/b/a

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Prudence and Bay Islands Transport to provide ferry boat service

Calouro/Sweeney - Voted unanimously to receive and place this matter on file.

Prior to the vote taken, Councilman Herreshoff suggested that it may be advantageous to have more than one ferry operating.

7. Town Administrator Teixeira re Stacey Carter, Regional Director for RI Small Business Development Center to occupy satellite office at Burnside Memorial Building

Calouro/Sweeney - Voted unanimously to receive and place this matter on file.

Prior to the vote taken, Town Administrator Teixeira reported that the Town is providing office space to Ms. Carter.

Councilman Calouro asked to know if Ms. Carter was working solely for Bristol while in the Town-provided office space.

Town Administrator Teixeira stated that Ms. Carter's efforts are "regional."

Councilman Calouro asked to know what type of services Ms. Carter is providing with Town Administrator Teixeira responding that Ms. Carter is helping with business plans, finding funding, and walking prospective business owners "through the paces."

Councilman Stuart asked if the Town is incurring liability with Town Treasurer Goucher responding that Ms. Carter's office is providing an insurance certificate.

Linda Arruda of 159 High Street, a local business owner, stated that she understands that Ms. Carter is most helpful.

Councilman Sweeney stated that it is good to have Ms. Carter as a resource for business people.

J. BILLS & EXPENDITURES

1. RFP #789 - Tax Administration Software

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Herreshoff/Calouro - Voted
unanimously to refer this matter to
the Town Administrator and Town
Treasurer to act in the best
interest of the Town.

Prior to the vote taken, the Clerk read the following
proposal as received:

Vision Government Solutions Northboro, MA \$70,000

2. Bid #790 - Silver Creek Spillway Repairs

Calouro/Herreshoff - Voted
unanimously to refer this matter to
the Town Administrator and the
Director of Community Development
to act in the best interest of the
Town.

Prior to the vote taken, the Clerk read the following bids
as received:

JML Excavation, Inc.	Bristol, RI	\$29,159.00
Hugo Key and Sons, Inc.	Newport, RI	\$64,790.00

K. SPECIAL REPORTS

L. TOWN SOLICITOR

1. Town Solicitor re request for Executive
Session pursuant to RIGL 42-46-5(a)(5) lease
of real property, **continued from September
18, 2013**

*It is hereby noted for the record that action on this agenda
item took place at the conclusion of the public agenda.*

Herreshoff/Calouro - Voted
unanimously to move into
Executive Session pursuant to
RIGL Section 42-46-5(a)(5)
concerning the purchase or
lease of real property at
10:31 o'clock PM.

M. INDIVIDUAL COUNCIL MEMBERS AGENDA ITEMS

1. Parella

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a. Board and Commission Consolidation - Council Chairman Parella noted that there have been suggestions that board and commission "overlap" may be occurring. She explained that she offered this question to the Institute for Public Policy at Roger Williams University and that the University will do a "comprehensive review."

2. Herreshoff

a. "Ambitious" Project - Councilman Herreshoff reported that the project to turn the former Quinta-Gamelin Army Reserve Center into the Quinta-Gamelin Community Center is an ambitious but workable project and that the recent presentation made by Recreation Director Burke concerning same appears to be practical. He added that the center may eventually include a swimming pool.

b. Street Vacuum - Councilman Herreshoff reported that Public Works Director Galuska has apparently located an appropriate type of street vacuum with Town Administrator Teixeira explaining that he has a memorandum from Public Works Director Galuska concerning this item and that it was not delivered in time for the agenda. He added that it will be available for Council perusal at the meeting of October 30, 2013.

c. Windmill Zoning - Councilman Herreshoff suggested that the Town might consider a wider notice radius for zoning, etc., applications. He proposed that the radius should possibly increase to 700 feet for these applications.

3. Calouro

a. Flood Insurance Concerns - Councilman Calouro thanked Director of Community Development Williamson for her work on flood insurance issues. He stated that he understands that flood insurance rates may have "alarming" increases - perhaps going up ten-times the current rates.

b. Newport County Chamber of Commerce - Councilman Calouro noted that the Newport County Chamber of Commerce is studying regionalization.

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He also reported that the Chamber has a grant for economic development and perhaps the Town will also participate.

c. Mount Hope Enterprise Zone - Councilman Calouro asked to know if the Mount Hope Enterprise Zone 501(c)(3) designation remains active with Town Administrator Teixeira responding that he has been in contact with Victor Barros concerning this issue. It was noted that the interest of the Town of Warren remains questionable.

Councilman Calouro suggested that the Town of Portsmouth may be interested in participating if Warren is not.

4. Stuart

a. America's Cup - Councilman Stuart congratulated Councilman Herreshoff upon the recent America's Cup victory. He suggested that Councilman Herreshoff might try to return the America's Cup races to Rhode Island.

Councilman Herreshoff reported that he participated in twenty (20) America's Cup races off of Newport and that the greater likelihood to return the Cup to Rhode Island would be for the United States to lose the competition to allow the New York Yacht Club to vie for the opportunity to compete.

b. "Historic" Recognition - Councilman Stuart noted that Lucy Medeiros was named "Person of the Year" by the Portuguese Beneficial Association Dom Luiz Filipe. He explained that this recognition was "historic" since Ms. Medeiros was the first woman to be so-honored.

c. Bristol County Lions Club - Councilman Stuart announced that the Bristol County Lions Club will hold its 17th wine and beer festival and East Bay Pizza Challenge on October 11, 2013 at Linden Place Ballroom.

d. Bristol Rotary Pasta Supper - Councilman Stuart reported that the Bristol Rotary Club will hold a pasta supper on October 26th at St. Mary's Church.

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e. Federal Government Shutdown - Councilman Stuart reported that he learned of the government shutdown as a member of Congressman Cicilline's Congressional Advisory Board.

f. Thanks to Davis and Bucolo - Councilman Stuart thanked Messrs. Mike Davis and Marc Bucolo for their work filming this evening's meeting.

5. Sweeney

a. Brayton Point - Councilman Sweeney reported that the Brayton Point power plant will "retire" on June 1, 2017.

b. Columbus Day - Councilman Sweeney noted the approaching Columbus Day; October 14, 2013.

N. TOWN ADMINISTRATOR AGENDA ITEM(S)

a. Columbus Day - Following up on Councilman Sweeney's comment regarding Columbus Day, Town Administrator Teixeira informed the Council that the Town offices will be closed for the Columbus Day holiday on October 14, 2013.

b. Unused Drugs - Town Administrator Teixeira announced that the Police Department will be collecting unused drugs on October 26, 2013 at the Police Station.

c. Cancer Pink - Town Administrator Teixeira reported that he was wearing a pink shirt in recognition of Cancer Awareness Month (October)

CITIZENS PUBLIC FORUM

Consent Agenda Items:

(CA) AA. SUBMISSION OF MINUTES-Boards and Commissions

Approval of consent agenda="Motion to receive and place these items on file."

1. Harbor Commission - September 9, 2013

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2. Bristol Housing Authority - Special Meeting, June 19, 2013
3. Planning Board - July 9, 2013
4. Harbor Commission - Appeals Hearing, September 9, 2013
5. Bristol Warren Regional School Committee - August 26, 2013
6. Bristol Warren Regional School Committee - September 9, 2013
7. Bristol Housing Authority - September 12, 2013
8. Board of Fire Engineers - November 5, 2012
9. Recreation Board - April 9, 2013

(CA) BB. BUDGET ADJUSTMENTS

Approval of consent agenda="Motion to approve these adjustments."

1. Tax Assessor/Collector Belair - Recommended Abatements & Additions

(CA) CC. FINANCIAL REPORTS

Approval of consent agenda="Motion to receive and place these items on file."

1. (Town Treasurer Goucher) re Revenue and Expenditures Statement - October 4, 2013

(CA) DD. PROCLAMATIONS, RESOLUTIONS & CITATIONS

Approval of consent agenda="Motion to adopt these Proclamations, Resolutions and Citations as prepared and presented."

1. Proclamation - Constitution Week, September 17-23, 2013

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2. Commendation - Neil Feeley, Jr. - J.G. Coffey Company, improvements to Town Common Basketball Court
3. Commendation - Melissa Mancini - Cumberland Farms, support of future Quinta-Gamelin Recreation Center
4. Commendation - Craig Veader - Bristol Toyota, support of Summer Youth Basketball League
5. Commendation - Lucy Medeiros, Portuguese Beneficial Association Dom Luiz Filipe 2013 "Person of the Year"

(CA) EE. UTILITY PETITIONS

Approval of consent agenda="Motion to approve these petitions."

1. Department of Public Works - Road Cut Permits
2. Department of Water Pollution Control - Sewer Permit

(CA) FF. UPCOMING APPOINTMENTS

Approval of consent agenda="Motion to approve advertising these Appointments."

1. Public Service Appointments for October

(CA) GG. CITY & TOWN RESOLUTIONS NOT PREVIOUSLY CONSIDERED

Approval of consent agenda="Motion to receive and place these items on file."

1. Wendy J.W. Marshall, CMC, Middletown Town Clerk - Resolution re RI Aviation Hall of Fame

(CA) HH. DISTRIBUTIONS/COMMUNICATIONS

Approval of consent agenda="Motion to receive and place these items on file."

1. Coastal Resources Management Council - October 2013 Calendar

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2. Jerry Dauterive, 4 Liberty Lane - letter of interest for Economic Development Commission reappointment (note: reappointed September 18, 2013)
3. Dominic Franco, Chairman, Harbor Commission to Dr. Thomas G. Breslin re Letter of Appreciation
4. Warrant - Jerry Dauterive, Economic Development Commission
5. Warrant - Ethan M. Tucker, Economic Development Commission
6. Town Administrator Teixeira to C. B. Utility Company, Inc. re award of Bid #777-2 - Inflow Source Relocation & Associated Drainage System Improvements
7. Town Administrator Teixeira to Hart Engineering Corp., Cumberland, RI re award of Bid #786-2 - Mount Hope Pumping Station Improvements
8. Town Administrator Teixeira to Yard Works, Inc., Warwick, RI re award of Bid #785 - Bristol Town Beach Courts Recreation Area
9. Town Administrator Teixeira to Candace Pansa, Director, Bristol Housing Authority re Housing Availability at Benjamin Church Manor

(CA) II. DISTRIBUTIONS/NOTICE OF MEETINGS
(Office copy only)

Approval of consent agenda="Motion to receive and place these items on file."

1. Bristol County Water Authority Workshop - September 18, 2013
2. Bristol Warren Regional School District Schedule of Meetings - Week of September 22, 2013
3. Bristol Warren Regional School Committee Budget/Facilities Subcommittee - September 23, 2013

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4. Bristol Warren Regional School Committee
Personnel/Contract Negotiations Subcommittee
- September 23, 2013
5. Bristol Warren Regional School Committee -
September 23, 2013
6. Bristol County Water Authority Board of
Directors - September 25, 2013
7. Board of Fire Engineers - September 30, 2013
8. Christmas Festival Committee - October 2,
2013
9. Bristol Warren Regional School District
Schedule of Meetings - Week of September 29,
2013
10. Bristol Warren Regional School Committee
Policy/Community Affairs Subcommittee -
September 30, 2013
11. Bristol County Water Authority Finance
Committee - October 9, 2013
12. Bristol County Water Authority Board of
Directors - October 9, 2013
13. Fourth of July Committee - October 11, 2013
14. Bristol Warren Regional School District
Schedule of Meetings - Week of October 6,
2013

(CA) JJ. CLAIMS

Approval of consent agenda="Motion to refer these items to the Insurance Committee and at its discretion to the Interlocal Trust."

1. Denita M. Rossi, Esq., for Mary Jo Sousa re
claim for damages

Stuart/Sweeney - Voted unanimously
to resume open session and seal the
minutes of the Executive Session at
10:55 o'clock PM.

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There being no further business, upon a motion by Councilman Herreshoff, seconded by Councilman Sweeney and voted unanimously, the Chairman declared this meeting to be adjourned at 10:56 o'clock PM.

Louis P. Cirillo, CMC
Council Clerk